MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023

DBL5214 – BUSINESS LAW

(All sections / Groups)

4 JULY 2023
9.00 a.m. – 11.00 a.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **THREE** pages excluding the cover page.
2. Answer **ALL** questions. All questions carry equal marks and the distribution of the marks for each question is given.
3. Please write all your answers in the Answer Booklet provided. All answers should be supported with relevant statutory provisions and case law.

QUESTION 1

a) An offer or proposal is necessary for the formation of an agreement. With reference to the provisions in the Contracts Act 1950, explain the following:

i. definition of offer

(2 marks)

ii. state any **FOUR (4)** ways of revocation of offer

(8 marks)

b) Mr. Noah, an engineer, was offered an exciting opportunity to work on a project in Singapore. It required him to be away from home for a few months. Knowing that his absence would make things a bit challenging for his wife, he promised to provide her with monthly allowance. As weeks turned into months, Mrs. Noah did not receive any allowance as promised by her husband. She seeks your legal advice on whether she has the right to sue her husband for failure to pay the allowance as promised.

(10 marks)

c) With reference to the provisions in the Contracts Act 1950 and case law, explain the element of certainty.

(5 marks)

[Total: 25 marks]

QUESTION 2

a) The word 'company' can be defined as a company incorporated pursuant to the Companies Act 2016 or any corresponding previous legislation. Explain the effects of incorporation of a company based on the statutory provisions of the Companies Act 2016.

(10 marks)

b) Section 2 of the Companies Act 2016 defines "director" to include *'any person occupying the position of a director of a corporation by whatever name called and includes a person in accordance with whose directions or instructions the majority of directors of a corporation are accustomed to act and an alternate or substitute director'*. Explain the following:

i. General qualifications of a director

(5 marks)

ii. Any **FIVE (5)** statutory duties of a director

(10 marks)

[Total: 25 marks]

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QUESTION 3

Agency is a relationship that is pivotal to or relevant to so many businesses and commercial transaction.

a) Define the following:

i. broker

(2 marks)

ii. factor

(2 marks)

b) Explain the creation of an agency by necessity.

(6 marks)

c) Datin Elena sent her agent, Airazor, to attend an auction held at the One Utama Hotel, Damansara. Airazor was instructed to bid on several items including an expensive 15th century Ming Dynasty bowl worth more than RM1 million. She was told to purchase the items together with the insurance coverage offered by the auctioneer. Unfortunately, Airazor proceeded to make the payment without the insurance coverage. On her way back to the office, she was involved in an accident and the bowl scattered into pieces because it was placed in an unsealed box. Advise Airazor on whether she has breached her duties as an agent under the Contracts Act 1950.

(15 marks)

[Total: 25 marks]

QUESTION 4

a) Based on the provisions in the Sale of Goods Act 1957, explain the following:

i. goods excluded in the Act

(4 marks)

ii. existing goods

(2 marks)

iii. future goods

(2 marks)

iv. specific goods

(2 marks)

b) Dato' Prime, the owner of Active Sports Store was asked to deliver 15 football boots to Transformers Tigers Club (TTC) for their annual league. He was required to deliver blue football boots with the brand name NIKO. When the boots were delivered, they were a different brand name NOKO in various colours.

Continued.....

TTC is not satisfied with the boots and seeks your advice on whether they can terminate the contract with Active Sports Store for failure to deliver goods that corresponded with the description given by the club.

(15 marks)

[Total: 25 marks]

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